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1 – Head-On Train Crash in Arkansas Kills 2, Oil and Gas Journal, 8/14/2014

<http://online.wsj.com/articles/arkansas-train-crash-kills-2-1408300396>

Two Union Pacific UNP +1.67% Corp. freight trains carrying toxic chemicals collided head-on early Sunday in northeast Arkansas, killing two train crew members and injuring two others, authorities said. No toxic material is believed to have leaked as a result of the crash or a subsequent fire that burned for hours. The collision, which occurred in Hoxie about 90 miles northwest of Memphis, sparked a fire involving a train engine and a railroad car hauling alcohol, said a spokesman for the Arkansas Department of Emergency Management.

2 - Norman meeting on fracking draws hundreds, OK News 8/14/14

<http://newsok.com/norman-meeting-on-fracking-draws-hundreds/article/5217807>

Hundreds of people filled a meeting room at the Norman Public Library this week to discuss hydraulic fracturing, or fracking, and whether Norman and other cities have the right to regulate the process. The event was sponsored by the Scholars Strategy Network and environmental groups Clean Energy Future Oklahoma, the Oklahoma Chapter of the Sierra Club and Our Earth. Mayor Cindy Rosenthal and several city council members attended, but the event was not an official city meeting.

3 – On Climate Rules, Regulators Look Beyond Litigation, Texas Tribune, 8/15/14

<http://www.texastribune.org/2014/08/15/epa-climate-rules-texas-look-beyond-litigation/>

Texas should not bank on legal action to free itself from the Obama administration's proposal to tackle climate change, two state regulators said Friday. Referring to a string of recent defeats- in challenges to U.S. Environmental Protection Agency rules, Texas Railroad Commissioner Barry Smitherman said regulators should think beyond litigation when planning how to respond to the federal proposal, which would require states to meet individual carbon targets.

4 – Wharton County town blames farmers for dry wells, Houston Chron, 8/15/2014

<http://www.houstonchronicle.com/news/science-environment/article/Wharton-County-town-blames-farmers-for-dry-wells-5691935.php#/0>

For two months this year, water seemed abundant here in Wharton County, with vast rice fields flooded at 3 to 4 inches deep. But the still-life can be deceptive.

5 – Carcinogen present in well water in south Goliad County, Victoria Advocate, 8/15/14

http://www.victoriaadvocate.com/news/2014/aug/15/arsenic_ss_081414_246139/?counties

A known carcinogen is naturally occurring in south Goliad County drinking water, according to a report recently released by the county's groundwater district. Presence of the colorless, odorless element is evidence of why private well owners should test their water for heavy metals and other chemicals, groundwater district officials say.

6 – Texas mulls carbon options amid legal momentum for EPA, EE News, 8/18/14

<http://www.eenews.net/energywire/2014/08/18/stories/1060004576>

Barry Smitherman, a Texas energy regulator for about a decade, didn't disagree with a parade of public speakers Friday who questioned the legality of U.S. EPA's plan to reduce carbon dioxide emissions at existing power plants. But he said Texas should consider other ways to preserve diversity in the state's fuel mix besides just litigation, noting "we have not fared particularly well" in recent court cases.

7 – 20 Texas firefighters exposed to hazardous chemicals, KSAT, 8/18/2014

<http://www.ksat.com/content/pns/ksat/news/2014/08/18/20-texas-firefighters-exposed-to-hazardous-chemicals.html>

Fort Worth fire authorities say 20 firefighters were exposed to hazardous chemicals at a commercial structure blaze. Battalion Chief Richard Harrison tells the Fort Worth Star-Telegram that none of the firefighters have experienced health complications following the Saturday night fire.

8 – Two San Juan co-owners request extension, Albq Journal, 8/18/14

<http://www.abqjournal.com/447650>

Two of nine co-owners of the coal-fired San Juan Generating Station – Tucson Electric Power Co. and Utah Associated Municipal Power Systems – have sent letters to the U.S. Environmental Protection Agency requesting a year extension on the deadline to install haze controls at the plant.

9 – EPA Blames Texas for Illinois Air Pollution, Heartland, 8/14/2014

<http://news.heartland.org/newspaper-article/2014/08/14/epa-blames-texas-illinois-air-pollution#.U-4xr60hQC4.twitter>

The U.S. Environmental Protection Agency is blaming power plants in Texas for Illinois air pollution and is using the accusation to justify restrictions on Texas power plants. EPA claims its cross-state pollution rule, intended to protect communities in one state from pollution drifting from other states, justifies placing restrictions on Texas power plants EPA claims are polluting Granite City, Illinois.

10 – Banking on the boom: NM oil, gas industries see record production, continued growth, Law Cruces Sun-News 8/15/2014

http://www.lcsun-news.com/las_cruces-business/ci_26343998/banking-boom-nm-oil-gas-industries-see-record

Dotting the plains of southeastern New Mexico, pump jacks toil endlessly, drawing ever more crude from the earth and putting money in state coffers, driving a multi-million dollar industry that land management and energy officials don't see slowing anytime soon.

11 – Homeland Security to Begin Reforms

For Chemical Safety With Comment Notice, Statesman, 8/14/2014

http://news.bna.com/deln/DELNWB/split_display.adp?fedfid=51595503&vname=denotallissues&jd=a0f4r7a8q5&split=0

The Department of Homeland Security is considering a broad set of reforms to its program for high-risk chemical facilities, including changes to the program's list of covered chemicals, performance standards and “general regulatory approach,” according to a notice set for publication in the Aug. 18 Federal Register.

12- (Opinion) Stick to the facts on fracking, Dallas Morning News, 8/15/2014

<http://letterstotheeditorblog.dallasnews.com/2014/08/stick-to-the-facts-on-fracking.html/>

Denton resident Annetta Ramsay calls for “better balance” in the discussion over hydraulic fracturing, or fracking. Unfortunately, I believe Ramsay opts for hype over facts. Ramsay offers anecdotes on pollution and “disruption” she’s witnessed in her hometown, but fails to point out that some scientists conclude that fracking is generally safe.

13- David Vitter wants EPA to dump new "Waters of the U.S." wetlands regulations, Times Picayune, 8/15/2014

http://www.nola.com/environment/index.ssf/2014/08/vitter_wants_epa_to_dump_new_w.html

U.S. Sen. David Vitter, R-La., demanded Friday that the Environmental Protection Agency drop its proposed "Waters of the United States" wetlands rule, which he said unconstitutionally expands the federal government's control over private property and would bring Louisiana's economic expansion to a "screeching halt".

14- EPA Unveils Test Methods For Fracking Study, Raising New Policy Doubts, Inside EPA, 8/13/2014

<http://insideepa.com/201408132479294/EPA-Daily-News/Daily-News/epa-unveils-test-methods-for-fracking-study-raising-new-policy-doubts/menu-id-95.html>

EPA has unveiled new academic papers detailing novel water testing methods to detect contaminants linked to hydraulic fracturing as part of its pending study on whether the process adversely impacts drinking water, but advocates say the studies fail to resolve questions about the fate of the assessment and the agency's fracking policies.

15-New TxDOT web app helps drivers save money, reduce emissions, Houston News, 8/17/2014

http://www.yourhoustonnews.com/memorial/news/new-txdot-web-app-helps-drivers-save-money-reduce-emissions/article_5f4f03ba-a4fd-541c-9202-dc9bbe1fb7be.html

Keeping vehicles road-ready and saving money at the pump is now easier than ever thanks to a new smartphone Web app from the Texas Department of Transportation. Along with helpful hints for keeping vehicles operating efficiently, the "Roadcents" app also offers tips for reducing tailpipe emissions that contribute to air pollution.

16- Flaring incident under investigation at Tyler refinery, KTRE, 8/15/2014

<http://www.ktre.com/story/26292019/flaring-incident-under-control-at-tyler-refinery>

The Texas Commission on Environmental Quality is investigating after an incident at the Delek Refinery in Tyler on Thursday. The incident, is classified as an 'upset event' by the TCEQ, meaning it was not a planned event or part of the normal operations of the facility.

One Shot, Seven Arrested in

A spokeswoman for [Union Pacific](#) ([UNP +1.67%](#)) said she is prevented by federal regulations from commenting as the National Transportation Safety Board took over the probe. NTSB investigators collected the trains' black boxes and are shipping them to a lab in Washington, D.C., for processing.

"We will be looking at train signal information, train braking, track information, train operations and how the crew operated the trains" during the investigation, said Mike Hiller, the NTSB investigator in charge of the probe.

Union Pacific reported that up to 14 different chemicals were on the two trains, said a spokesman for the Arkansas State Police. He didn't have a list of the chemicals.

The first train contained two locomotives and 86 cars, the second had two locomotives and 92 cars, and they were operating on the same track, Mr. Hiller said. The tank car, which contained a type of unrefined alcohol that had yet to be processed for consumption, was still on fire as of Sunday night, Mr. Hiller said.

A number of issues could have contributed to this type of crash, but investigators are likely to examine whether a signal light may have failed, said a former federal railroad official. In addition, given the timing of the crash, officials probably will investigate if fatigue could have been a factor, he added.

In 2009, federal safety regulations were tightened to require railroads to conduct detailed yearly analysis to determine the safest routes for the most hazardous shipments, including radioactive materials, explosives and deadly chlorine and anhydrous ammonia. The rules, developed in cooperation with the Department of Homeland Security, require all routing decisions to be kept secret.

Sunday's accident is affecting Amtrak's twice-daily Texas Eagle trains, which connect Chicago and San Antonio and pass through Hoxie. Until service on the damaged line is restored, a detour will add two to three hours to the trip's normal 32 hours, a spokesman said.

Write to Scott Calvert at scott.calvert@wsj.com And Laura Stevens at laura.stevens@wsj.com

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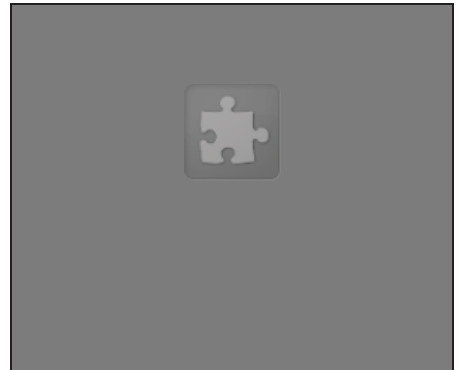
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Norman meeting on fracking draws hundreds

Hundreds of people filled a meeting room at the Norman Public Library this week to discuss hydraulic fracturing, or fracking, and whether Norman and other cities in Oklahoma and other states have the right to regulate the process.

by Adam Wilmoth ([/more/Adam Wilmoth](#)) (<https://plus.google.com/103410491206050371764?rel=author>) Modified: August 15, 2014 at 9:00 pm • Published: August 14, 2014

Hundreds of people filled a meeting room at the Norman Public Library this week to discuss hydraulic fracturing, or fracking, and whether Norman and other cities have the right to regulate the process.

The event was sponsored by the Scholars Strategy Network and environmental groups Clean Energy Future Oklahoma, the Oklahoma Chapter of the Sierra Club and Our Earth. Mayor Cindy Rosenthal and several city council members attended, but the event was not an official city meeting.

Much of the discussion centered on whether Norman and other chartered cities in the state legally can ban or regulate drilling within city limits. After the 90-minute meeting, the issue appears far from resolved.

New York attorney David Slottje said cities in Oklahoma have the right to both ban and regulate oil and natural gas industry activity within city limits. Slottje is executive director of the Community Environmental Defense Council Inc., which helped more than 200 cities in New York enact bans on fracking.

Terry Stowers, executive director for the Coalition of Oklahoma Surface and Mineral Owners or COSMO, however, said oil and gas regulation is the exclusive jurisdiction of the Oklahoma Corporation Commission. He said cities that try to set their own rules would open themselves up for lawsuits from land and mineral owners who would welcome oil and natural gas drilling.

Assistant city attorney Leah Messner said the question is unclear and likely would need to be settled by the courts, a costly process.

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THE TEXAS TRIBUNE

On Climate Rules, Regulators Look Beyond Litigation

by [Jim Malewitz](#) and [Neena Satija](#) | Aug. 15, 2014 | [13 Comments](#)



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photo illustration by: Todd Wiseman

Gov. Rick Perry has said that a new federal proposal to cut carbon emissions is "the most direct assault yet on the energy providers that employ thousands of Americans."

[administration's proposal](#) to tackle climate change, two state regulators said Friday.

Referring to a string of recent defeats in challenges to U.S. Environmental Protection Agency rules, Texas Railroad Commissioner Barry Smitherman said regulators should think beyond litigation when planning how to respond to the federal proposal, which would require states to meet individual carbon targets.


*Correction appended

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The Bullet Train That Could Change Everything

by Aman Batheja and Stephen J. Smith

"I'm discouraged by the results we've seen out of the Supreme Court, and their seeming willingness to give the agency great deference," Smitherman said at a daylong Public Utility Commission workshop. "As we go through today, I don't think we want to ignore the litigation route, but I think we need to look at what we need to do – away from challenging it in court."

Considering that Texas' deadline for submitting a plan to comply with the regulation is just two years away, Public Utility Commissioner Ken Anderson Jr. suggested that forming a plan to meet the EPA target would be prudent – regardless of whether Texas sues. "I'm just kind of working backwards and evaluating cost-benefit."



At the workshop, state officials, industry representatives and energy experts wrangled with the complexities of the EPA proposal and debated how Texas should proceed.

Under the plan, Texas [would need to slash carbon emissions](#) from its power plants by as much as 195 billion pounds of carbon dioxide in the next 18 years, according to a [Texas Tribune analysis](#). That 43 percent reduction is among the larger percentage of cuts required among states. The EPA suggests that Texas could meet its goal though a combination of actions: making coal plants more efficient, switching to cleaner-burning natural gas, adding more renewable resources and bolstering energy efficiency. Texas would have until 2016 to submit a plan to meet its carbon target.

The proposal, which will undergo a public comment period in the coming months, has already prompted a legal challenge from several states, and Texas is expected to sue once the rules become final.

Texas Attorney General [Greg Abbott](#), the Republican candidate for governor, promised to "continue fighting to protect jobs for those in the energy industry and the thousands of women and men who work in service and hospitality jobs that support energy workers," after the EPA released the proposal.

But Texas has yet to see success in its lawsuits against the Obama administration's climate regulations, litigation that has

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cost the state more than \$350,000, according to the attorney general's office. **Last fall**, the Supreme Court declined to hear the state's appeals in two cases it had lost in lower courts: a challenge to the EPA's "**endangerment finding**," which states that greenhouse gases are a danger to public health and welfare, and a challenge to rules that limit greenhouse gas emissions from vehicles.

The Supreme Court also **largely struck down** Texas' challenge to the EPA's regulation of greenhouse gases from large industrial plants in June. And the state **lost its battle** against a different environmental rule, aimed at limiting air pollution that crosses state lines, in the Supreme Court in April.

Phillip Oldham, a lobbyist for the group Texas Industrial Energy Consumers, said the rules would be a "death knell to the Texas Miracle," and urged the state to sue.

Donna Nelson, chairwoman of the PUC, said "we really can't do anything until the rule becomes final" in 2015. Though **12 states sued over the proposal** this month, Abbott's office told the Tribune that it is rare for Texas to litigate before a rule becomes final.



Texas could ignore the proposed rules. If the state did not develop a plan to reduce carbon emissions, the EPA could do so instead. Much of the discussion Friday focused on what that federal plan might look like.

"This is a question that comes up a lot," said Vincent Meiller of the Texas Commission on Environmental Quality's air quality planning division. "EPA has not answered that question." The agency could impose a "cap-and-trade" carbon scheme on a group of states including Texas, he speculated.

But even if the EPA came up with its own plan, it's unclear how it could force Texas to follow it. The **last time** Texas refused to follow climate rules, the regulations involved "greenhouse gas permits" needed to build facilities. Without those permits, companies couldn't build large industrial plants, prompting an outcry. This time, the power plants in question already exist, and the EPA would have a hard time forcing them to shut down if they're not following the rules.

"I don't believe there is a reasonable [plan] that the state could present," Oldham said. Noting that EPA's penalties tend to run at \$25,000 a day, which translates to \$9 million a year, he suggested, "Compared to the cost of this, we should just write them a check."

That suggestion caught Smitherman's attention. Perhaps the state could create some sort of trust fund, Smitherman suggested, and compensate companies in Texas that were penalized by the EPA for refusing to follow the carbon rule.


But that only goes so far, Smitherman told Luminant CEO Mac McFarland, noting that there is such a thing as criminal violations of EPA rules. Texas may be willing to compensate Luminant financially, Smitherman said, but "I don't think anybody's going to go to jail for you."

Disclosure: Luminant's parent company is Energy Future Holdings, which was a corporate sponsor of The Texas Tribune in 2012. A complete list of Texas Tribune donors and sponsors can be viewed [here](#).

Correction: An earlier version of this story misspelled the name of the CEO of Luminant. He is Mac McFarland, not Mac MacFarland.

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Wharton County town blames farmers for dry wells



By Matthew Tresaugue

August 15, 2014 |

Updated: August 16,
2014 10:58pm

LISSIE - For two months this year, water seemed abundant here in Wharton County, with vast rice fields flooded at 3 to 4 inches deep. But the still-life can be deceptive.

Most of the water

Gary Coronado/Staff

Lissie resident Pete Delgado had a new 150-foot water well drilled on his property. The well cost around \$6,000.

came from below ground, in pools known as aquifers. And by the time farmers had finished pumping the underground reservoirs for their thirsty crops, wells had gone almost or completely dry for more than half the households in this unincorporated community of about 300 people.

"This isn't an act of God," said Trish Trecka, a

Lissie resident who in July began seeing sand in her water, a sign that the aquifer was dropping deeper because of groundwater withdrawals. "It's an act of farmers."

The unfolding drama has unnerved a place that never doubted the future of its water supply. But it is also a story familiar to the farmers, who turned to the aquifer beneath their land after being cut off from the Colorado River three years ago because of concerns over falling reservoir levels near Austin.

The conflict this time involves their friends and neighbors, laying bare a building resentment across a drought-prone Texas toward agriculture - particularly toward the water-intensive farming in rice country.

The tensions are spilling out as the rapidly growing state moves away from its agrarian roots and becomes more urbanized. And with more than half the state still in the grips of a wicked drought, it's apparent that there is not enough water to meet everyone's needs, said Ronald Kaiser, a Texas A&M University professor of water law and policy.

Rice "may be a luxury we can no longer afford in drought," he said. "But here's the ultimate irony for folks in these areas: Their economic driver is the rice industry."

The farmers recognize their role in lowering the water table beneath Lissie. But they are not sure what to do because they need to pump the aquifer for their survival, too.

"It's unfortunate that we have neighbors pitted against neighbors," said Ronald Gertson, a fourth-generation rice farmer who grew up and still lives in the area. "The hope is this is all temporary because it's drought-driven."

A thirsty crop

Generations of Wharton County farmers relied on the Colorado for irrigation water. But that changed in 2011, when extreme drought conditions forced the Lower Colorado River Authority to turn off the tap for the first time.

Rather than send water to downstream farmers, the authority has kept it in two large reservoirs for use by more than 1 million people living in and around Austin. As of Friday, the man-made lakes were at 37 percent capacity.

All together, farmers typically used between 200,000 and 400,000 acre-feet of water from the river each year. One acre-foot is about the amount needed to satisfy three families for a year.

The unprecedented cutoff meant the farmers could either pump, at great expense, from the Gulf Coast

Aquifer beneath their land or let the fields go idle. While thousands of acres have gone unplanted, rice farmers have received permits to drill more than 40 new wells in Wharton County over the past three years, including 14 wells within a four-mile radius of Lissie.

The Coastal Bend Groundwater Conservation District - led by an elected five-member board that includes Gertson and two other rice farmers - acknowledged it approved the permits without fully understanding how the new demand would affect the aquifer. But this much was obvious: rice requires a lot of water.

After planting in March and April, farmers flood their fields for about 60 days to choke off weeds, allowing the stalks to grow. Then they drain their acreage and harvest in July and August.

The roots - with the help of more water - grow back for a second, smaller harvest in October.

It's unclear how much groundwater the farmers have pumped so far this growing season. Texas law allows landowners to pump as much as they want from beneath their property as long as it's for beneficial use, and the Coastal Bend district has yet to receive annual usage reports from the farmers and others.

But the water table is dropping, evident by data from state-monitored wells - not to mention reports of residential wells that are no longer deep enough to produce water.

For example, one of Gertson's wells, just north of Lissie, showed water at about 40 feet below the surface in April. The level dropped to 103 feet below on July 26, Texas Water Development Board data shows.

The drawdown "is from the new production," said Neil Hudgins, the Coastal Bend district's general manager. In approving the rush of new wells, "we didn't know there would be a connection between the domestic wells and these deeper, higher-producing wells for irrigation."

Drying up

Lissie covers just 15 square blocks off Texas 90A, some 60 miles west of Houston. It's a place that draws people who want to escape big-city life. They can meet at a century-old Methodist church or the one-room post office, but there is no main drag, no commercial center. And there is no municipal water system.

So people living here rely on residential wells for water. Many of the wells are 100 feet deep or shallower, and they have worked without fail for years, if not decades.

In July, as the water table dropped, the wells' pumps began to sputter and spit. Sand appeared in toilets and tubs. Some wells went completely dry.

"I knew right then that we needed to drill a new well," said Jerry Jasek, an industrial electrician who lives in

Lissie. "When your well is 110 feet deep, and there is no water at 110 feet, you have no choice. We have to have water."

Jasek spent about \$3,700 to have a 150-foot-deep well drilled on his property, one of nine new domestic wells in the community in the past month. The demand for new, deeper wells is so great that drillers say the wait is up to six weeks.

But not everyone here can afford a new well. Robert and Emily Kaska, a couple in their 80s whose 120-foot-deep well went dry in July, rely on monthly Social Security checks. The payments are only a small fraction of the price tag for drilling another well.

In the meantime, their grandson is delivering them drinking water in 10-gallon drums. And Gertson is keeping two 250-gallon totes filled with water for bathing and washing dishes. The large plastic containers sit on pallets in the front yard and are connected to the house by a hose.

"It's a shame they couldn't leave anything for us," said Robert Kaska, a retired farmer.

Few options

Gertson opened the groundwater district's most recent meeting with a prayer for rain to fill the reservoirs and replenish the aquifers. That would be the easy solution.

Absent help from above, there are few options for the board, unless it was willing to limit pumping for agriculture - a move that likely would end up in court. Texas law prohibits the groundwater district from using public money for private benefit, such as covering the cost of new residential wells.

Gertson said he would try to organize farmers to donate money to a fund to help those in Lissie who need deeper wells. But as the groundwater district's chair, he cannot require others to contribute. He also needs to make sure that those who provide money are shielded from legal liability.

"These people are our neighbors, and we all need to pull together and do what's right," Gertson said. "Hopefully, others will feel the same way."

Chris King, a Wharton County commissioner whose precinct includes Lissie, said the long-term solution would be a high-volume well that would provide water for the entire community. But it could take five to seven years to secure enough money from federal grants to fund the project.

"It's not pie in the sky, but it's a long way down the road," King said. "We're between a rock and a hard spot, and I would hate to see Lissie become a ghost town because no one can afford wells."



[Sara Sneath](#) • Originally published August 15, 2014 at 10:30 p.m., updated August 16, 2014 at 12:01 a.m.

A known carcinogen is naturally occurring in south Goliad County drinking water, according to a report recently released by the county's groundwater district.

Presence of the colorless, odorless element is evidence of why private well owners should test their water for heavy metals and other chemicals, groundwater district officials say. [The Safe Drinking Water Act, which gives the Environmental Protection Agency the authority to regulate public drinking water, does not extend regulation to private drinking water wells.](#)

Many people don't think to get their water well tested, believing that if they've never been sick, the water must be OK, said [Goliad County Groundwater Conservation District](#) President Raulie Irwin.

"Somebody's been drinking that water for centuries before them, and now, they're drinking it, and everybody's still alive - that kind of attitude. We listen to a lot of that, you know? But that doesn't mean the water is good," Irwin said.

The presence of arsenic in the Gulf Coast aquifer system primarily comes from a geological formation that includes volcanic tuff, [according to the groundwater report](#). As the volcanic material wears away, trace elements, such as arsenic, selenium and potassium, are released into groundwater.

Arsenic can cause skin damage, circulatory issues and has been linked to cancer, said Blake Atkins, EPA Region 6 Drinking Water Section chief.

The standard the agency sets for arsenic in public systems is 10 micrograms per liter, the equivalent of one drop of ink in a 14,000-gallon swimming pool. Eight out of 14 private wells tested in the Goliad groundwater study had levels of arsenic exceeding that level.

But naturally occurring arsenic isn't the only substance well owners should look for. And the need to test private well waters may be even more necessary now.

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What can be done

Well owners who find arsenic in their water can contact a water treatment company, such as Aqua Purification in Victoria, to analyze their well and find how best to treat the

"There's a lot more things going on in our aquifer today than there has ever been in the way of fracking and water well drilling and more water wells and just a lot more activity in our aquifer than there has ever been," Irwin said.

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Testing private drinking water can be costly if the well owner doesn't know what to look for, said Kevin Baros, the lab director of [B-Environmental](#), a Victoria business that performs water testing.

"One of the toughest questions I get is, 'I just want to know if it's safe,'" Baros said. "Well, we can't run every test on the planet. It gets expensive."

The EPA suggests getting your water tested annually for total coliform bacteria, nitrates, total dissolved solids and acidity levels. Water also should be tested right after the well is drilled for baseline data, which can help well owners locate the source, if they later find their well contaminated, Baros said.

"During the life of the well, if you have issues with it, such as a funny taste or foul odor, it's a good idea to get it tested again," he said.

Many well owners in the area get a Farm and Ranch Scan, which includes arsenic, nitrate, acidity and about 20 other indicators. The cost of the test is about \$200.

For well owners worried about possible contamination from another party, such as agriculture, construction or oil and gas production, a test by a state approved drinking water testing lab is more likely to hold up in court, Baros said. For a tighter case, well owners should also contract an independent consultant to handle collecting the samples and transporting the samples to the drinking water approved lab.

For those who just want to check their well for safety reasons, it's important to talk to the lab that will perform the test to ask the proper way to collect a sample. Well owners should also talk to the lab about what contaminants they are concerned about to make sure the concern is covered by the test.

While labs compare results against EPA standards, it is up to the well owner to decide whether he or she wants to take action to reduce contaminants, such as arsenic, in his or her water. A person with a family history of cancer may take more precautions regarding arsenic while a family with a small child may take more precautions regarding nitrate, Atkins said.

"Private well owners need to make sure that their private well is drilled and completed effectively and is maintained in a fashion that they can keep themselves safe," he said.



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3. ELECTRICITY:

Texas mulls carbon options amid legal momentum for EPA

Edward Klump, E&E reporter

Published: Monday, August 18, 2014

Barry Smitherman, a Texas energy regulator for about a decade, didn't disagree with a parade of public speakers Friday who questioned the legality of U.S. EPA's plan to reduce carbon dioxide emissions at existing power plants.

But he said Texas should consider other ways to preserve diversity in the state's fuel mix besides just litigation, noting "we have not fared particularly well" in recent court cases.

"Should the state execute a bond issue and put money in a trust fund and we'll pay everybody that gets fined and we'll keep on doing what we're doing?" Smitherman asked. "We got to figure out how to adapt, so that we can keep our coal fleet running and not shut it down prematurely and end up with a resource base that is one- or two-dimensional."

Smitherman was part of a gathering organized by the Public Utility Commission of Texas (PUC), which invited members of the Texas Commission on Environmental Quality (TCEQ) and the Railroad Commission of Texas to a workshop on EPA's proposal on greenhouse gases.

Gov. Rick Perry (R) and other Texas leaders have criticized EPA's carbon plan, even as some experts suggested natural gas and renewable energy would put Texas in a good position. Smitherman is a past chairman of the PUC and a current member of the Railroad Commission, which oversees oil and natural gas regulation.

Before the workshop last week, Public Citizen, an advocacy group that tracks energy and other issues, raised concerns that the hearing would be weighted toward opponents of the EPA plan. The director of Public Citizen's Texas office called for a second hearing to include more discussion of renewable energy and benefits related to issues such as health ([EnergyWire](#), Aug. 15).

Texas regulators heard a range of complaints in Austin on Friday about EPA's proposal, from concern it would damage economic development to worries it would raise prices. The specter of litigation hung over the meeting amid calls to fight the federal government's plan. There were frequent assertions that Texas wasn't getting credit for past gains, including in wind capacity.

EPA's proposed rule, announced in June, seeks a 30 percent reduction in carbon dioxide emissions from power plants by 2030 compared with 2005 levels. Targets vary by state, and the goal for Texas is about a 39 percent decline compared with 2012 in pounds per megawatt-hour.

Phillip Oldham, speaking on behalf of Texas Industrial Energy Consumers, didn't mince words Friday when he said the plan could be a "death knell to the Texas miracle," and he raised the prospect of reduced economic activity.

"The sort of economic destruction that this would create nationally is a little hard to overstate," he said.

Oldham said it seemed wrong for EPA to be able to force certain issues that traditionally were left to states. He brought up the idea of possibly paying fines, noting some people have suggested they could be about \$9 million annually.

That's when Smitherman jumped in and mentioned the trust fund idea for fines.

Mac McFarland, chief executive officer of Luminant, the generation unit of Energy Future Holdings Corp., expressed concern about possible liability his company could see. Smitherman said there would be a limit to what the state could do to help, telling McFarland, "I don't think anybody's going to go to jail for you."

Discussing flexibility

McFarland said EPA's plan overlooked effects on Texas consumers and would require drastic changes in the market covered by the Electric Reliability Council of Texas, the state's main grid operator. He said the proposal overestimated feasible efficiencies at existing plants and sought big renewable energy increases that could be hard to incorporate in the market.

The plan "is simply unworkable and doesn't balance the economy, energy supply, reliability and the environment together," McFarland said, calling it a big price to pay for a small reduction in greenhouse gases that are global in nature.

A good deal of the workshop centered on speakers' issues with EPA's proposed building blocks, which include making

A good deal of the workshop centered on speakers' issues with EPA's proposed building blocks, which include making coal-fired plants more efficient, boosting the using of efficient natural gas-fueled plants, producing electricity from low- or zero-emission facilities, and energy efficiency.

Vickie Patton, speaking for the Environmental Defense Fund, tried to impress upon regulators Friday that Texas had a number of options. She said EPA gave the state "extraordinary" flexibility.

"The blocks just establish a standard of performance," Patton said. "It is completely within Texas' flexibility and prerogatives ... to meet that standard of performance using any mix of mitigation, any mix of tools."

Colin Meehan, speaking for First Solar Inc., said there could be some balance with solar power coming during the day and wind often coming at night. He also said that having a competitive wholesale market provided a chance to operate in a cost-effective way.

Donna Nelson, chairwoman of the Texas PUC, questioned how the competitive electric market in Texas could operate under the proposed EPA carbon rule. As speakers discussed challenges, she suggested there was little that could be done until after a rule becomes final.

Smitherman said early in the workshop that he was discouraged by recent Supreme Court decisions and an apparent "willingness to give the EPA great deference" when it comes to enforcing the Clean Air Act ([Greenwire](#), June 24).

"I don't think we want to ignore the litigation route that will take place through the attorney general's office, and they'll do a wonderful job," Smitherman said. But there should be a look at "what we ought to be doing away from challenging it in the courthouse," he said.

Ken Anderson, a member of the Texas PUC, discussed the possibility of developing a state plan, but he worried about what would happen if it wasn't accepted and a federal plan came into play. He also expressed concern about creating a plan that could provide EPA inroads into the state.

"I'm pretty disinclined to suddenly give a federal agency enforcement authority over areas over which they currently have none now," Anderson said.

An EPA comment period is underway through mid-October unless there is an extension. Gina McCarthy, EPA's administrator, has asked states to submit comments as soon as possible.

As the Friday workshop continued into the afternoon, Commissioner David Porter of the Railroad Commission weighed in with a commentary that would be familiar to Texas political watchers. He described a continuing "war against fossil fuels" by EPA and the Obama administration.

"As the senior railroad commissioner in this state, I am committed to working with the experts and the leaders across the state to remedy this issue," Porter said.

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FORT WORTH, Texas - Fort Worth fire authorities say 20 firefighters were exposed to hazardous chemicals at a commercial structure blaze.

Battalion Chief Richard Harrison tells the Fort Worth Star-Telegram that none of the firefighters have experienced health complications following the Saturday night fire.

He says their protective clothing will be tested to identify exposure levels. It took firefighters about 15 minutes to extinguish the flames at a metal finishing company in Fort Worth.

No one was at the plant during the fire and no injuries were reported. Harrison says tools including radios, hoses and trucks were decontaminated on-site. Investigators determined the fire was accidental.

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Two San Juan co-owners request extension

Kevin Robinson-Avila / Journal Staff Writer



Two of nine co-owners of the coal-fired San Juan Generating Station – Tucson Electric Power Co. and Utah Associated Municipal Power Systems – have sent letters to the U.S. Environmental Protection Agency requesting a year extension on the deadline to install haze controls at the plant.

Under EPA regulations to lower nitrogen oxide emissions, which cause haze, San Juan's co-owners have agreed to close two of San Juan's four generating units and place NOx controls on the remaining ones. The EPA is expected to approve that plan in September, giving the owners 15 months to install the NOx filters at a cost of \$160 million.

But TEP and U-AMPS now say they need more time to determine if, after carrying out the haze plan, further investments will be needed to bring San Juan into compliance with EPA's newly proposed carbon rules, which call for cutting CO2 emissions at existing power plants to 30 percent below 2005 levels by 2030.

Plant operator and co-owner PNM said it does not believe a delay is necessary since shutting half the plant will cut CO2 emissions by about 50 percent, apart from the NOx reductions.

But that may not be enough to meet EPA's carbon regulations, encouraging TEP and U-AMPS to seek more

clarification on compliance costs.

Exploring options

“If we don’t meet the CO₂ standards, then we need to know what other compliance options are available to us and the costs associated with all of that,” U-AMPS general counsel Mason Baker told the **Journal** .

Depending on those costs, it could be more economical for utilities like TEP – which is the second-largest owner at San Juan after Public Service Company of New Mexico – to forego investing in new NO_x controls and maybe even withdraw from the plant.

That’s something TEP executives would not rule out in an interview with the **Journal** .

“We’ll try to keep all of our options open to see how the proposed carbon rule impacts all of our facilities and customers,” said Eric Bakken, TEP’s senior director for transmission strategy, land and environmental services. “We’ll do what’s in our customers’ best interests.”

Any such action by a San Juan co-owner could significantly disrupt future plans at the plant given the complex ownership structure, which includes nine utilities and municipalities from four different states. Four of those entities already have opted to completely withdraw from San Juan after the two-unit shutdown in January 2017.

New term sheets

The remaining co-owners – PNM, TEP, U-AMPS, the city of Farmington and Los Alamos County – signed a nonbinding term sheet June 26 that defines their new ownership stakes and responsibilities in San Juan after 2017, following more than a year of tenuous, mediated negotiations. That agreement still must be approved by their respective directing boards and by state and federal regulators.

PNM, which is the majority owner and operator of the plant, says the new term sheet demonstrates solid commitment by the remaining participants to stay in San Juan and to move forward with the haze plan.

“That’s a significant milestone,” said PNM Vice President for Regulatory Affairs Gerard Ortiz. “It offers a clear understanding of who is exiting the plant, who is staying and how much each one will own in the remaining units. It’s a tremendous achievement.”

Some minor adjustments might be needed to finalize the agreement, Ortiz said, but there is little risk that any remaining partners will withdraw.

No delay needed

“We need to finalize the agreements, but practically all the needed accords are now contained in the term sheet,” Ortiz said. “If people had serious concerns, I don’t think we could have gotten this signed.”

If the EPA grants a year delay on installing NO_x controls, it would not necessarily disrupt the haze plan, since the two-unit shutdown still would take effect on schedule, and the NO_x filters would just be added later, Ortiz said.

“We certainly respect TEP and U-AMPS’ right to take any position they want,” Ortiz said. “They’ve asked for delays, but we just don’t think it’s necessary.”



The coal-fired San Juan Generating Station in northwest New Mexico is co-owned by nine entities. (The Associated Press)

TEP and U-AMPS, however, say they still must clarify many unanswered questions to draw up individual plans for complying with EPA's carbon regulations in their own states, since EPA rules call for each state to submit compliance strategies. Both entities want to know if they will earn credits for San Juan carbon reductions that can be applied to plans elsewhere.

“That’s the biggest question for us,” Bakken said. “TEP has a number of generating plants in other states and on tribal lands where it’s taking steps to reduce CO2 emissions, and we want to know what we’ll get credit for prior to investing more money at San Juan.”



SAN JUAN GENERATING STATION OWNERSHIP

Ownership at San Juan Generating Station, before and after two-unit shutdown
(By percent of ownership in each generating unit)

	Unit 1	Unit 2	Unit 3	Unit 4
Net MW capacity	340 MW	340 MW	497 MW	507 MW
CURRENTLY:				
Public Service Co. of NM	50%	50%	50%	38.5%
Tucson Electric Power Co.	50%	50%		
Southern California Public Power Co.			41.8%	
Tri-State Generation and Transmission Assoc.			8.2%	
MSR Public Power Agency (California)				29%
City of Farmington				8.5%
Los Alamos County				7%
City of Anaheim, Calif.				10%
Utah Associated Municipal Power Systems				7%
AFTER TWO-UNIT SHUTDOWN:				
Public Service Co. of NM	50%			65%
Tucson Electric Power Co.	50%			
City of Farmington				21%
Los Alamos County				7%
Utah Associated Municipal Power Systems				7%

SOURCE: Albuquerque Journal, based on PNM filings at the NM Public Regulation Commission.

RUSS BALL/JOURNAL

EPA Blames Texas for Illinois Air Pollution

August 14, 2014



H. STERLING BURNETT

H. Sterling Burnett is a senior fellow for the National Center for Policy Analysis (NCPA).

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The U.S. Environmental Protection Agency is blaming power plants in Texas for Illinois air pollution and is using the accusation to justify restrictions on Texas power plants. EPA claims its cross-state pollution rule, intended to protect communities in one state from pollution drifting from other states, justifies placing restrictions on Texas power plants EPA claims are polluting Granite City, Illinois.

New EPA Authority

Several states have challenged EPA's asserted authority to enact and enforce the cross-state rule, but two months ago the U.S. Supreme Court upheld it. Nevertheless,

the Court ruled individual states can challenge specific applications of the rule if a state believes EPA is restricting emissions beyond what is necessary to prevent its contribution to another state's air pollution.

Texas, Louisiana, and Wisconsin took the Supreme Court up on its offer and filed challenges to EPA applications of the rule.

Texas-Illinois Link Challenged

EPA's assertion Texas power plants are causing Illinois pollution raised eyebrows for several reasons. Granite City is approximately 500 miles from the Texas border and even farther away from Lone Star State major metropolitan regions. Granite City is northeast of Texas, with prevailing winds rarely trekking in that direction from Texas. In addition, a local steel mill, which has been an important source of the town's prosperity since the 1890s, has long been recognized as a primary source of air pollution in Granite City.

EPA, however, claims it has devised computer models that indicate some sulfur dioxide from Texas power plants may reach Granite City, which has a population of 30,000.

"Texas was only included in portions of the rule based on the projected impact on a single county in Illinois. And the air quality monitor in Illinois which EPA claims had the fingerprints of Texas pollution on it was located right next to a smelter. On this thin legal reed the EPA is imposing restrictions on Texas several times as severe as states with much more significant interstate pollution problems," said Kathleen White, director of the Armstrong Center for Energy and the Environment at Texas Public Policy Foundation.

The Texas Commission on Environmental Quality (TCEQ) agreed, saying EPA failed to account properly for the steel mill's influence on Granite City's air pollution. Of the three air pollution monitors in the town and surrounding Madison County, the only one allegedly linked to Texas is the one downwind of the steel mill.

Even if the appellate court finds Texas does contribute to Granite City's air problem, the TCEQ says EPA is requiring emissions cuts significantly greater than the state's contribution to the pollution problems.

Lose-Lose Options

Under EPA's cross-state pollution rule, electric utilities will be forced to install expensive scrubbers to reduce emissions from smokestacks. Alternatively, they can join in a 28-state trading program in which they can purchase credits to cover their emissions. If neither of those two options are feasible, they can

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cut back production, mothball, or retire coal-fired power plants to achieve the limits. State officials and utility executives predict the final option will be the most likely outcome.

H. Sterling Burnett, Ph.D. (info@heartland.org) writes from Dallas, Texas.



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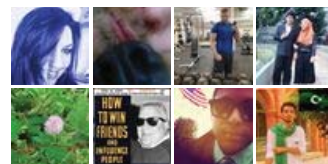
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Banking on the boom: NM oil, gas industries see record production, continued growth

By Jason Gibbs

jgibbs@lcsun-news.com (<mailto:jgibbs@lcsun-news.com>) @fjgwriter on Twitter

POSTED: 08/15/2014 01:18:51 PM MDT

LAS CRUCES >> Dotting the plains of southeastern New Mexico, pump jacks toil endlessly, drawing ever more crude from the earth and putting money in state coffers, driving a multi-million dollar industry that land management and energy officials don't see slowing anytime soon.

New Mexico is currently undergoing an oil and gas boom — oil production is up nearly 70 percent from 2008 and is projected to increase by 20 percent in 2014. Most of the increase is attributable to new technology that allows producers to extract more oil and gas — specifically hydraulic fracturing, commonly called fracking, and horizontal drilling techniques which allow drillers to tap previously unreachable reserves.



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The wide-open vistas of southeastern New Mexico are becoming home to more and more oil and gas production as the state is experiencing an energy boom. (Photos by Jessica Onsurez — Carlsbad Current-Argus)

"We've got tremendously positive (growth) in this area," said Win Porter, who served as the assistant administrator for solid waste and emergency response at the Environmental Protection Agency under Presidents Ronald Reagan and George H.W. Bush. "Eight, 10 years ago we were running out of oil and natural gas. Now we (the United States) are the world's largest producer of natural gas and will soon be the world's largest on oil."

For New Mexico, it's not only an economic boon to businesses serving the oil-producing companies and their employees as the service and housing sectors try to keep pace with the oil development companies, but also a boon to the state in the form of increased oil and gas revenue. In turn, the leases on state lands

for oil and gas drilling and exploration go back to the state's educational system, benefiting children across the state, regardless of whether their district is near a well field.

Overall state earnings from such leases between July 2013 and June 2014 came in at \$817 million, according to Sunalei Stewart, the state's deputy land commissioner. Of that, 97 percent comes directly from oil and gas production on state lands, he said.

"We're seeing increases in other divisions, agricultural leasing and other divisions including renewables," Stewart said.

An \$817 million infusion to state funds is "by the far the best year ever in the history of the Land Office," he said. "Basically the last three years have been the highest in the history of the Land Office, and oil and gas is a major component of that success."

Next year, the Land Office expect another record-setting year, with conservative projections calling for \$800 million and up.



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The sun sets in southeastern New Mexico where an oil and gas boom is underway, competing with traditional agricultural use for space to drill. (Jessica Onsurez, Carlsbad Current-Argus)



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Oil derricks dot the landscape near Loving, south of Carlsbad near the Pecos